



Patent
Attorney's Docket No. 011525-269

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Dwane BENSON et al.) Group Art Unit: 1761
Application No.: 09/866,707) Examiner: Arthur L. Corbin
Filed: May 30, 2001) Confirmation No.: 6041
For: SYSTEMS AND PROCESSES FOR)
PREPARING HASH BROWNS)

AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

- ☒ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and a check for ☐ \$55.00 (2814) ☐ \$110.00 (1814) to cover the requisite Government fee are also enclosed.
- ☐ Also enclosed is _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) previously submitted __, on __, for which continued examination is requested.
- ☐ Applicant(s) request suspension of action by the Office until at least __, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims	6	MINUS 6 =	0	× \$18.00 (1202) =	0
Independent Claims	3	MINUS 3 =	0	× \$84.00 (1201) =	0
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Amendment Fee					0
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					0

☐ A claim fee in the amount of \$_____ is enclosed.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____
Regis E. Slutter
Registration No. 26,999

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Date: January 6, 2003



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Sir:

In response to the outstanding Office Action, dated November 4, 2002, applicants provisionally elect the claims of group 1, namely claims 1-4, drawn to a process for preparing a potato patty and product thereof for immediate prosecution.

Nevertheless, applicants also traverse the restriction requirement. The basis articulated in the Office Action for the restriction is that the non-elected claims "[i]n this case the apparatus as claimed can be used to practice another and materially different process, e.g., a process of frying chicken, cheese or zucchini." The non-elected claims are Claims 5 and 6, with Claim 6 being dependent upon Claim 5. Claim 5, in relevant part, recites "A system for preparing a potato patty . . . : means for coating a potato patty . . . ; means for removing excess oil from . . . the potato patty; means for heating the potato patty . . . ; and means for freezing the potato patty." With the specificity of Claim 5, the suggestion that the apparatus can be used with chicken, cheese, or zucchini seems to be inconsistent with the claim language.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Regis E. Slutter
Registration No. 26,999

Date: Monday, January 6, 2003